

# CIVIL COURT RESPONSIVE MOTION

## DISCLOSURE

On the following pages, you will find a form which may be used to bring a Responsive Motion before the Court in a civil matter. This is a standardized form document. *It may not be appropriate depending on the circumstances of your case and/or the Court may require additional information from you which is not found on this form.*

# INSTRUCTIONS

## 1. **Complete Responsive Notice of Motion & Motion and Supporting Affidavit**

- Fill out the Responsive Notice of Motion & Motion form. This form tells the court and the other party what you are requesting from the court. It also provides notice of the date and time of the hearing.
- Fill out your Affidavit in Support of Motion. This form tells the court and the other party what you are asking for from the court and explaining WHY you are asking for it.

## 2. **Make Copies** of the Completed Responsive Notice of Motion & Motion, Supporting Affidavit and all attachments (if any)

- You will need *1 copy for your records, 1 copy for each party that has to be served and an original to file with the Court.*

## 3. **Serve** (provide a copy to) the other party with the Responsive Notice of Motion & Motion, Supporting Affidavit, and all attachments (if any).

- Service must be done by someone *not a party to the action* who is over the age of 18. This could be a neighbor, friend, relative, significant other, process server company, sheriff's office, etc.
- Generally, motions may be served personally (hand delivered) or mailed (via first-class mail) to the other party's (or parties in some cases) last known address. If the other party is represented by attorney, the copies must be served on the attorney.
- Service Requirements- Dispositive v. Non-Dispositive
  - Dispositive motions are motions which seek to dispose of all or part of the claims or parties, except motions for default judgment. They include motions to dismiss a claim or party and motions for summary judgment. All other motions are considered Non-Dispositive motions.
  - Non-Dispositive Responsive motions must be personally served on the other party *at least seven (7) days before the hearing* or mailed to the other party *at least ten (10) days before the hearing*.
  - Dispositive Responsive motions must be personally served on the other party *at least nine (9) days before the hearing* or mailed to the other party *at least twelve (12) days before the hearing*.

## 4. **Complete an Affidavit of Service**

- Whoever served the other party must complete an Affidavit of Service indicating (1) who they are, (2) their date of birth, (3) what documents they served, (4) whom they served the documents on, (5) the manner in which they served the other party & (6) when they served the documents.
- The Affidavit of Service must identify *each individual who was served and must identify each document that was served.*

## 5. **Pay the Filing Fee and File the original** Responsive Notice of Motion & Motion, Supporting Affidavit, all attachments (if any), and Affidavit of Service with court administration

- Be aware of your deadline to file your documents with the court. It is generally the same deadline for personal service on the other party.
- You must pay the motion fee together with your initial filing fee (if not already paid) or complete an In Forma Pauperis (Fee Waiver Request) form.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

TENTH JUDICIAL DISTRICT

\_\_\_\_\_,

Plaintiff,

vs.

**RESPONSIVE NOTICE OF  
MOTION AND MOTION**

Court File No.: \_\_\_\_\_

\_\_\_\_\_,

Defendant.

TO (name and address of the other party):

First

Middle

Last

Street Address

Apt. No.

City

County

State

Zip Code

**NOTICE**

PLEASE TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(date) (month) (year)

at \_\_\_\_\_ o'clock \_\_\_\_\_m. before \_\_\_\_\_, of the  
(time) (name of judicial officer, if known)

\_\_\_\_\_ County Courthouse, located at \_\_\_\_\_,  
(County Courthouse) (courthouse address)

Minnesota, the ☐ Plaintiff ☐ Defendant will ask the Court for an Order granting the following relief:

**MOTION**

1. Denying ☐ Plaintiff's ☐ Defendant's request for: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(attach an additional sheet if necessary)

5. I request such other and further relief as the Court may deem just, fair and equitable.

### **VERIFICATION AND ACKNOWLEDGEMENTS**

- a. I have read this document. To the best of my knowledge, information and belief, the information contained in this document is well grounded in fact and is warranted by existing law.
- b. I have not been determined by any court in Minnesota or in any other State to be a frivolous litigant and I am not the subject of an Order precluding me from serving or filing this document.
- c. I am not serving or filing this document for any improper purpose, such as to harass the other party to cause delay or needless increase in the cost of litigation or to commit a fraud on the court.
- d. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for an improper purpose, the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs and reasonable attorney's fees.

**NOTICE TO THE OTHER PARTY**

**Reply Memorandum**

The moving party may submit a reply memorandum, limited to new legal or factual matters raised by the opposing party's response to a motion. Your reply memorandum must be personally served on the other party **at least three (3) days before the hearing** or mailed to the other party **at least six (6) days before the hearing**. Your reply papers must be filed with the Court Administrator **at least three (3) days before the hearing**.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone: (       ) \_\_\_\_\_

Email: \_\_\_\_\_

DISTRICT COURT

TENTH JUDICIAL DISTRICT

**AFFIDAVIT IN SUPPORT OF  
RESPONSIVE MOTION**

VS.

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[illegible]

1. I make this Affidavit in support of my Responsive Motion to \_\_\_\_\_

[illegible]

(attach additional paper if necessary)

DATE: \_\_\_\_\_

Print Name: \_\_\_\_\_

City/ State: \_\_\_\_\_

Telephone: (      ) \_\_\_\_\_

**State of Minnesota**

County \_\_\_\_\_

**District Court**

Judicial District: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Case Type: \_\_\_\_\_

\_\_\_\_\_  
Petitioner / Plaintiff

and / vs

**Affidavit of Service**\_\_\_\_\_  
Respondent / Defendant

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_  
(County where Affidavit signed)I, \_\_\_\_\_, state that I am at least 18 years of age  
(Name of person who hand delivered or mailed documents)having been born on \_\_\_\_\_, and that on \_\_\_\_\_  
(Date of Service)I served the following documents, namely \_\_\_\_\_  
(Title of Documents hand delivered or mailed)upon (check one) ☐ Petitioner / Plaintiff ☐ Respondent / Defendant

Service was done as follows: (check all that apply)

☐ Personal service: By handing a true and correct copy of the documents to \_\_\_\_\_☐ Mail service: By mailing a true and correct copy of the documents by first class mail to  
(name) \_\_\_\_\_ at his/her last known address  
at: \_\_\_\_\_\_\_\_\_\_  
street address city state zip code  
and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in  
the City of \_\_\_\_\_, State of \_\_\_\_\_.I declare under penalty of perjury that everything I have stated in this document is true and  
correct. Minn. Stat. § 358.116.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_